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REMARKS

Claims

Claims 57-62, 64, 66-78 and 89-91 were allowed. Claims 40, 41, 43-56, 79, 80, 82-88 and 92-95 were rejected. Applicant has cancelled dependent claim 43 and amended claim 40 to include the limitation from this claim. Applicant has also cancelled dependent claim 82 and amended claim 79 to include the limitation from canceled claim 82. No new matter has been added.

Rejections under 35 U.S.C. § 103(a)

Claims 40, 41, 43-56, 79, 80, 82-88 and 92-95 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,620,479 to Diederich in view of U.S. Pat. No. 6,551,274 to Heiner. Applicant traverses the rejection and requests reconsideration.

In order to establish prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP § 2143.03. Accordingly, the present invention is not obvious because neither Diederich nor Heiner, alone or in combination, teach or suggest a return duct on the probe body for return of the expanded gas from the end of the probe, "wherein the return duct is between 200 and 250 times larger in cross-sectional area than the supply duct" as now claimed by Applicant in claims 40 and 79.

Heiner discloses "a fluid return aperture 54 for returning the fluid, once expanded, back through the catheter lumen . . ." See Heiner, col. 4, lines 32-34. There is no mention in Heiner of the size of the aperture in relation to the supply duct. Accordingly, Heiner fails to teach or suggest Applicant's claimed invention.

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Based on the foregoing, Applicant respectfully asserts that independent claims 40 and 79 are now allowable. In addition, claims 41, 44-56, which depend from allowable claim 40, and claims 80, 83-88, and 92-95, which depend from allowable claim 79, are also allowable.

CONCLUSION

Applicant respectfully submits that this Amendment and Response addresses all of the Examiner's rejections and places the Application in condition for allowance. A Notice of Allowance is earnestly solicited. If a teleconference with the Examiner would expedite allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned attorney at the telephone number referenced below. Applicants request an extension of time to respond to the present office action of three-months, the three-month statutory period having expired on December 7, 2005 and this response being filed on March 6, 2006. Accordingly, Applicant authorizes the Commissioner to charge a three month extension fee to Deposit Account No. 50-1901 (Reference No. 22163-3001). If any additional fees are necessary, the Commissioner is also authorized to charge or credit any such fees or overpayment to the aforementioned account number.

3/6/06

Respectfully submitted,



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